



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection

FROM: Jeff Madore, Bureau of Remediation and Waste Management

DATE: April 15, 2010

RE: Repeal of Section 3-A, Siting Restrictions for New Facilities, Chapter 691, Rules for Underground Oil Storage Facilities

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In 2007, the Maine Legislature amended Title 38 M.R.S.A. to include chapter 13-D, Wellhead Protection. The new chapter prohibited, in part, the siting of oil storage facilities in wellhead protection zones except as may be allowed by variance granted by the Commissioner of Environmental Protection.

The purpose of this memo is to request your permission to conclude the rulemaking that was begun last year to implement the new law as it applies to oil storage facilities.

Statutory and regulatory reference

- 38 MRSA chapter 13-D (§§1391-1399)
- 38 MRSA §341-D(1-B)

Description

The Board finally adopted Chapter 692, Siting of Oil Storage Facilities, on March 4, 2010. Chapter 692 incorporated the existing rules governing the siting of underground oil storage facilities in mapped aquifers under Chapter 691, section 3-A with criteria governing the siting of aboveground oil storage facilities. Section 3-A of Chapter 691 is therefore now redundant.

Environmental Issues:

The repeal of Section 3-A, Chapter 691 concludes the department's rulemaking in the implementation of Maine's new wellhead protection law, 38 MRSA §§1391 through 1399. The purpose of the law as stated in section 1391 is to protect the health, safety and welfare of Maine's citizens by establishing a coordinated statewide program to protect drinking water wells and significant from contamination by oil or hazardous substances. The law accomplishes this purpose mainly by restricting the siting of facilities that, by their nature, pose an unacceptable risk to groundwater quality and therefore should be kept away, if at all possible, from drinking water supplies, including sand and gravel aquifers mapped by the Maine Geological Survey.

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Department recommendation

The department recommends the Board post the repeal of Chapter 691, section 3-A, for public comment with a comment deadline of June 7, 2010. A hearing on the repeal is not recommended given that the siting criteria in the rules have been re-codified in Chapter 692.

Estimated Time of Presentation:

Approximately 10 minutes.